

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



April 5, 2000

COUNTY FISCAL LETTER (CFL) NO. 99/00-58

TO: COUNTY WELFARE DIRECTORS
COUNTY FISCAL OFFICERS
COUNTY AUDITOR CONTROLLERS
COUNTY PROBATION OFFICERS

SUBJECT: LOST AND STOLEN WARRANTS-QUILLA BEVERLY v.
ANDERSON

REFERENCE: All County Letter (ACL) No, 00-24, dated March 31, 2000

This letter is issued concurrently with ACL No. 00-24 and does not change claiming or expenditure reporting requirements.

The purpose of this letter is to inform county welfare departments concerning the court order recently issued in the case of Quilla Beverly v. Anderson concerning a county's responsibility to replace lost, stolen or destroyed public assistance warrants. On November 29, 1999, the Court of Appeals affirmed the lower court's decision, which agreed with plaintiff's argument (76 Cal. App. 4th 480). The court concluded that there is a mandatory duty under Section 29853.5 to issue a replacement warrant within five working days after a recipient files a proper affidavit attesting that the warrant has been lost, stolen or destroyed regardless of any investigation a county might choose to do during that period.

Effective immediately, counties are to issue replacement warrants within five working days after a recipient has filed an affidavit that the warrant has been lost, stolen or destroyed even if the county has determined that the warrant was not lost, stolen or destroyed. Public assistance warrants means any assistance payments to recipients in public social services programs provided for in Part 3 of Division 9 (commencing with Section 11000) of the Welfare and Institutions code and includes such payments as supportive services in the CalWORKs program for child care and transportation, bonus payments in the Cal Learn program and payments to Special Circumstances Program recipients and vendors. The decision is prospective only and no retroactive adjustments are required. The court's decision applies to all public assistance programs except the Supplemental Security Income/State Supplementary Payment (SSI/SSP) program or to the In-Home Supportive Services (IHSS) program. It does not apply to the Cash Assistance Program for Immigrants (CAPI).

If the original warrant and the replacement warrant are both cashed and the county has

reason to believe that the recipient cashed both warrants, the county shall conduct an investigation. In cases of fraud, counties shall pursue an Intentional Program Violation via criminal prosecution, Administrative Disqualification Hearing or Disqualification Consent Agreement. Counties shall also assess an overpayment and seek recoupment.

If you have any questions about the lawsuit, please call Mr. Vincent Toolan at (916) 654-1808. For specific questions about replacement warrants in your program area, contact the appropriate program analyst. For questions about claiming, please contact your Fiscal Policy Bureau analyst.

Sincerely,

Original Signed on
April 5, 2000

JARVIO A. GREVIOUS
Deputy Director
Administration Division

c: CWDA